FOR MYSORE STATE

AGRICULTURE (195) Department.

MS. SERIES.

G.O. No. 19

Dated 4-1-1956.

Passed
9h

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[Despatch Abstract.

Forests--South Kanara District--Puttur Taluk--
Amara and Sullia Maganes--Grievances--Orders--Passed.

***

42133

The Honourable Sri M.Bhaktavatsalam
Minister for Agriculture and Forests,
Government of Madras, Madras.

Representation from the residents of Amara and Sullia maganes of Puttur Taluk,. South Kanara District.

Sir,

We, the residents of Amara and Sullia maganes of Puttur Taluk represent the following grievances for necessary redress.

S.A. This was discussed by me with the Secretaries. May be examined by Revenue & Forest Officers specially after getting the report from the Collector of South Kanara.

The Amara and Sullia maganes comprising of 21 Revenue villages originally formed part of Coorg - District and the special concessions granted to the ryots by the Coorg Government continued to be enjoyed even after affiliation of these two maganes with South Kanara District. But of late drastic changes in the matter of assignment seem to have been made without taking into consideration the special features and the economic condition in these areas.

1. To begin with, unlike other parts of this District, these two maganes enjoy kana and bane privileges. Though agriculture is the main occupation only a small -- portion of land is fit to be brought under wet cultivation in view of the rugged terrain of the land. Hence the kana lands were allotted to the wargdars to supplement their -- income by raising pepper vines etc. The nature of the -- commercial crops raised, created a quasi permanent occupation of these lands and the Madras Government issued kana pattas

in 1905 and the occupation is charged at a flat rate of Re.0-4-0 per acre. These kana lands are in enjoyment of the ryots for more than 60 years and the issue of pattas made the Government a party to the agreement. Under - such circumstances the Government cannot back out from - their commitments.

According to the conditions mentioned in the kana patta, it is specifically stated that kana lands brought under effective occupations will be permanently assigned at adangal rate of assessment. Hence any revi- -sion of assignment policy, which goes counter to this -- agreement is not applicable to kana lands. But the enqui- ring officers consider these lands on par with kumki lands and reject the assignment of these lands, irrespective of the commitments made by the Government in the past. The - special treatment meted out to these two maganes may kindly be allowed to be continued.

Secondly one of the conditions in the patta - permits the ryots to cut firewood trees and all classified trees except mango and tamarind trees. But the Executive officers do not respect this privilege. They consider such removal of trees as a forest offence and book the ryots. -- This has greatly handicapped in improving upon these kana lands. Suitable directive may kindly be issued to respect this - condition incorporated the kana patta.

2. Bane lands are allotted to warg lands as an - aid to cultivation at the rate of 2 acres per acres of -- warg land. This is in consonance with the requirements -- fixed under the revised assignment policy of the Government. Hence there is no need to refix the requirements of bane -- lands at the time of assignment. But strangely enough the

Executive officers treat the dry lands comprised in the registered holding as a set off against these bane lands This procedure lacks imagination. Many of these dry lands obtained in sale etc. included in the holding lie far away from the warg lands and cannot be used as an aid to culti--vation. Hence they cannot be treated on par with bane lands. We request you to issue necessary instructions to executive officers to assign the bane lands outright in the interest of agriculture.

In view of the commitments made by the --- Government and the foregoing facts, the revised assignment policy may not be made applicable to kana and bane lands and the special treatment meted out to these two maganes may be allowed to continue.

3. These two maganes are rich in Forest wealth and at the time of afforestation i.e.at the time of British regime, the forest boundary was aligned along the warg boundary in many cases. In some cases, the alignment was made along the kana and bane land boundaries. This sort of demarcation overlapping the bane and kana lands with forest buffer area, has deprived the ryots of getting -- such kana and bane lands on darkast. We request you to undo this wrong already done during the British regime, by shifting the forest boundary away from the warg, kana and bane boundaries to a distance of a furlong.

4. The major portion of the villages of these maganes are covered by Reserve Forests and the foot paths, cart tracks connecting the several localities in the villages pass through Reserve Forests. In many cases the agricultural produce has to be transported through these cart tracks. But the Forest Department charges the ryots for making use of these cart tracks, approach roads etc

by levying suitable taxes, though such roads are maintained by the ryots themselves. This is a grave injustice caused to ryots who are not provided with transport facilities. These unjust taxes may be removed.

5. The Government pinned ~~pinned~~ their faith in Grow More Food and in pursuance of this policy, they gave top priority to agriculture. The large tracts of -- cultivable waste lands within the Reserve Forests are made available to the ryots on lease for growing commercial ~~x~~ crops. But it is a pity that in many cases, the Forest Department actually conducted survey operations for leasing out such plots, but rejected the applications at the last moment. This has caused great loss and hardship to the applicants, who actually deposited ~~d~~ security amount and spent during survey operations by employing coolies etc. We request you to throw open these vast tracts of cultivable waste lands within the Reserve Forests for leasing out to the ryots for raising food crops etc.

6. The revision of Timber Transit Rules has greatly handicapped the ryots from making use of the trees standing in their warg lands. The present rules require the ryots to obtain ~~a~~ T.T.permits from the District Forest officer. But enquiry into the applications are unduly delayed and the permit granted at the commencement of the monsoon, when it will not be possible to transport the timber. This has resulted unnecessary hardship. The rules may kindly be revised in such a way as not to inconvenience the ryots.

S.A. C
I have discussed this D.F.O. other permits on the recommendation of Revenue Department. To avoid delay Tahsildars and Dy Tahsildars Draughtsmen & other Ten permits.
[illegible]
25.2.53

7. In conclusion we trust that the Honourable

Minister will be pleased to consider this representation favourably and take suitable steps to redress the ~~grs~~ -- grievances.

Yours faithfully

Sullia
20-4-55

AGRICULTURE(CIV) DEPT.

Memo.No.42133 CIV/55-1 D/ 7.5.55

Sub:- Forests--South Kanara District-Puttur Taluk--Sullia magnes--Grievances.

Copies of a petition dated 20-4-55 from the residents of Amara and Sullia Maganes of Puttur Taluk, South Kanara District are forwarded to the C.C.F. and Collector of South Kanara with the following observations.

Para 3 of the petition:-

It is considered that the belt area may be restricted to 100 yards and the ryots may be permitted to cut wood for agricultural requirements and cutting green leaves for manure, but not to clear fell all the trees.

Para 4 of the petition:-

It has been stated by the D.F.O that for public institutions like Panchayat Board or Grama Sevak Sangam no licence fee is levied, for using the cart tracks in the R.F. for transporting agricultural Produce. It is therefore considered that licence fee need not be levied for transporting agricultural produce in the case of bonafide ryots certified as such by Tahsildars and Dy. Tahsildars.

Para 6 of the petition:-

As regards The request in para 6 that the T.T. Rules should be revised so as

P.t.o

to expedite the issue of permits under the Rules, it is considered that in order to avoid delay Tahsildars and Deputy Tahsildars may be authorised to issue permits.

4. The C.C.F. and the Collector of South Kanara are requested to offer their remarks on the ~~different~~ various requests contained therein ~~in the light of~~ having regard to the above observations.

The C.C.F. Madras (with a copy of P.P. 1-5-55)
The Collector of South Kanara.
~~Copy to the Board of Revenue (I.R.)~~

R.O. 22.5.55,

CENTRAL DESPATCH BRANCH
Date ____ 1955. Despatched by ____

9

D.Dis.14265/55. South Kanara Collector's Office
Mangalore, dated 7-7-1955.

From

Sri M. S. Raja Ram I.A.S.,
Collector of South Kanara.

To

The Secretary to Government
Agriculture Department,
Fort St. George,
Madras.

FORESTS -- South Kanara District - Puttur Taluk Amara and Sullia Maganes - Grievances of villagers Remarks - Submitted

-:o:-

Ref:-Govt.Memo.No.42133/CIV/55-1 dated 7.5.55.

-:o:-

I submit the following remarks on the several grievances contained in the petition dated 20.4.55 from the residents of Amara and Sullia maganes of Puttur Taluk.

Para 1 of the Petition: - Villagers of these 21 villages of Amara and Sullia maganes of Puttur Taluk, which formerly belonged to Coorg enjoy certain privileges known as "Canes" which correspond to Kumaki privileges in other parts of this district and enjoy 'Kans" according to which the ryots are at liberty to cultivate without restriction and collect from certain forest lands, forest produce of a specified kind, in consideration of the payment of a small fixed amount Re.0.4.0 per acre - ordinarily known as "pepper shist" or "cardamom shist" These canes and 'Kans' are explained in detail in para 61 of the Resettlement Scheme Report for South Kanara District dated 1.1.34 referred to in G.O.No.42, Revenue dated 5.1.1935. Besides enjoyment of the forest produce, similar privileges as are admissible to Kumaki lands under rule 7-A of the General Rules framed under Section 28 of the Madras Forest Act are also applicable to 'Kan' lands. The rules governing the management of these kan lands, framed under Section 33 of the M.F.Act are found at pages 181-183 of the Madras Forest Manual. The Kan pattas granted to ryots specify the products that may be cultivated and lays down that any portion of land, which is brought under cultivation otherwise than is permitted by

the patta, is liable to be assessed at ordinary settlement rates. Para 40 of P.S.O.15 governs the assignment of these lands.

It is the grievance of the petitioners that when these Kan pattas make them entitled to the assignment of these lands when brought under other kinds of cultivation, the present assignment policy of the Government run counter to this claim for assignment, as the engineering revenue officers consider these lands on a par with Kumaki lands and reject the assignment of these lands. But it is reported by the Tahsildar, Puttur that in no case has assignment of kan lands, where effective improvements exist been refused. The present assignment policy of the Government also does not come in the way of assignment of such lands, where effective improvements have been made by the kanadars. Hence, the hardships referred to by the petitioners do not actually exist and they are imaginary.

Secondly, the petitioners, contend that by the conditions of kan patta the ryots are permitted to cut firewood trees and all classified trees except mango and tamarind and that the executive officers do not respect this privilege. This contention of the petitioners is not correct. Under Rule 7A of the General Rules framed under Section 26 of the M.F Act, these ryots are permitted to cut unclassified and classified trees for their bonafide domestic and agricultural purposes only and not otherwise. When trees are cut in contravention of this rules, only action under the M.F Act is resorted to by the Revenue authorities and it is justifiable.

The petitioners further contend that the restriction placed on them in cutting the trees fror kan lands greatly handicap them in improving these lands; as these lands cannot be cultivated or improved without cutting the trees. If trees are cut for purposes other than domestic ~~xxxxxxxx xxxxx~~ or agricultural forest offences are committed. This is a vicious circle and its solution

is not easy. For if there are a few ryots, who after cutting and disposing of the tree-growth are prepared to cultivate and improve the land, there are very many, who though they may take permission to fell the trees with the ostensible purpose of bringing the land under cultivation, may leave the land waste, after disposing of the tree-growth! It is not easy to judge the bonafides of a particular ryot as to what he would do at a future date. This grievance, even if it exists, cannot, therefore, be remedied in the interest of conservation of tree-growth in the interior villages.

Para 2 of the petition: The Bane lands, which exist only in Amara and Subbira Maganes, carry the same privileges to the wargs to which they are attached, as kumakis in the rest of the district, the only difference being that while kumakis are limited to within 100 yards of a warg, the banis need not necessarily be so. Banes were allotted at the rate of 2 acres per acre of warg land in 1902 in these villages, when banes are brought under fugitive cultivation, fugitive assessment is levied and when brought under permanent cultivation they are transferred to occupied dry at taram rates or to occupied wet or garden, where such cultivation is found to date back from the time of last settlement. The assignment of these lands also is governed by B.S.O.15-40. These lands were allotted to the warg lands as an aid to the cultivation of the warg lands, such as conservation of tree growth thatching grass etc for agricultural and domestic purposes. The grievance of the petitioners is that the revenue authorities treat the dry ka lands comprised in a registered holding as a set off against these bane lands, when considering the question of assignment of these bane lands. They contend that these dry lands, most of which were obtained in sale etc. included in the holding lie far away from the warg lands and cannot be used as an aid to cultivation and, hence they cannot be treated on a par with bane lands. They request that instructions be issued to assign the bane lands outright in the interest of agriculture.

The then Collector of South Kanara (Sri S.R.Kaiwar, I.C.S. had issued instructions in this office Ref. B5.13855/48 dated

19.7.1948, that the assignment of these lands (along with kumaki lands in other parts of the district) should ordinarily be restricted to two acres of dry land for every acre of wet or garden land. However, it was ordered that deviation may be made from this principle, where the land contains effective improvements or when it contains tree growth conserved by applicants from a long time. No refixation of the extent of bane lands as alleged by the petitioners was involved in the instructions issued in Collector's Ref. B5.13855/48 dated 19.7.48. Further, it is reported by the Tahsildar Puttur that in no case has assignment of bane land, been refused, where improvements exist. The principle laid down by the Collector of assigning land up to 2 acres of dry to one acre of wet or garden to a ryot, cannot cause any real hardship to the banedar, as he can claim assignment of bane land only when he has brought it under permanent cultivation, and the assignment of such land brought under effective cultivation is not prohibited under the above said principle. Besides, even without the land being assignment to the banedar, he is entitled to enjoy the bane privileges on the extent allotted to him and the land will not be assigned to any other. Hence this grievance of the petitioners is not real.

B.

Regarding the request of the petitioners for outright assignment of banelands to the banedar, unlimited assignment of kumaki lands including banes, which ordinarily contain thick forest growth, will not be in the best interest of cultivation or conservation of tree growth in the long run. At present, the bane lands are attached to the warg lands and once these lands are assigned, the assignee is at liberty to dispose of these lands as he likes and the warg lands may go without the benefits of these lands may go without the benefits of these lands. Therefore, I submit that the request of the petitioners cannot be acceded to.

C

PARA 3 of the petition: The petitioners represent that in many cases in these villages, which are full of forests the R.F. boundary runs along warg boundary or kan and bane boundary

and as such, the Kan and bane lands lie in the buffer area of 100 yards from the R.F. bounary. This has deprived the ryots of getting these lands on assignment. Therefore, the petitioners request that the R.F boundary be shifted to a distance of one furlong from the warg'an or bane boundaries. The Government have observed that the belt area may be restricted to 100 yards and the ryots may be permitted to cut wood and agricultural requirements and to remove green manure leaves, but not to clear fell the trees.

The boundaries of the reserved forests were marked 50 years ago leaving the kumaki kan and bane lands. But, in 1939, the Government ordered that a buffer area of 100 yards should be left unassigned around all reserved forests, with the result that the whole or part of kumaki kan or bane lands left for ryots when the boundaries of the reserved forests were fixed, happened to fall in the buffer area of the reserved forest. But, this does not prevent the wargdars from enjoying the legitimate kan and bane privileges on these lands. This provision of leaving unassigned a belt of 100 yards all round Reserved Forests ordered under B.S.O.15-35(iii) has been made for the protection of the R.F. and the kan and banedars have to forego this much of land in public interest, as they have to do in the case of roads, streams etc. running through such lands. However, where there are vast improvements on such lands and real hardship is likely to be caused to the ryots, the question of assignment is not ruled out and is always considered. The alteration of the boundaries of the R.F. may not be feasible now, and therefore, this grievances of the petitioners also cannot be remedied without sacrificing the interests of the reserved forests.

The District Forest Officer, South Kanara reports that cutting of timber trees for agricltural purposes within 100 yards of the reserve forest boundary may be permitted in individual cases. This is permitted even now under the rules, if the lands fall within kumaki kan or bane limits. Regarding Governments observation in the matter, the belt area is even now only 100 yards and ryots are entitled to enjoy all privileges

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attached to kan and bane lands except their permanent assignment.

Para 4 of the petition: The petitioners request that ryots may be exempted from payment of tax to the forest Department for making use of the cart tracks approach roads etc. running through Reserved Forests for transporting their agricultural produce. The Government have observed that licence fee need not be levied for transporting agricultural produce in the case of bonafide ryots certified as such by Tahsildars & Deputy Tahsildars as no licence fee is levied in the case of public institutions like Panchayath Board or Grama Sevak Sangham.

The District Forest Officer South Kanara has no objection in allowing this concession. I too see no objection and recommend that this concession may be granted to all bona fide agriculturists, certified as such by the Revenue Inspector concerned as the grant of such certificates by the Tahsildars and Deputy Tahsildars may cause avoidable, delay.

D

Para 5 of the petition: The petitioners request that the vast tracts of cultivable waste lands within Reserved Forests may be made available to the ryots for raising food crops etc. on lease.

The District Forest Officer South Kanara reports that some leases for raising areca plantations inside the Reserved forests were granted as per G.O.Ms.No.1255 Development dated 25.6.1943 that as there were serious abuses of this kind of leases, it was ordered by the Chief Conservator of Forests in his Mis.No.35/54 dated 19.1.54 that no application for areca lease should be entertained or recommended and that accordingly, all pending applications were rejected by him and that no application was submitted for sanction. He further reports that there are vast areas in this district outside the R.F. in unreserved lands and patta lands, which still remain uncultivated and that however, the question of reviving areca leases inside the R.F. is under consideration of the Chief Conservator of Forests. The Chief Conservator of Forest may perhaps be asked to consider favourably genuine applications for leases.

E

Para 6 of the petition: - The petitioners represent that enquiry into permit applications under the Timber Transit Rules for the transport of timber from private lands is unduly delayed and that the permits are granted at the commencement of the monsoons, when it will not be possible to transport the timber, which result in unnecessary hardship to the applicants. The petitioners, therefore, request that the rules may be revised in such a way as not to inconvenience the ryots. The Government have observed in this connection, that, in order to avoid delay in the grant of T.T. permits, Tahsildars and Deputy Tahsildars may be authorised to issue permits.

According to the present procedure in vogue in this district for the issue of permits under T.T. Rules, applications for permits should be addressed to the District Forest Officer South Kanara and sent through the Tahsildar or Deputy Tahsildar concerned. After scrutiny of such applications with the report of the concerned revenue authorities, the District Forest Officer will authorise the concerned Range officers to issue necessary Form II permits. This procedure was brought into force in November 1953. Recently there were a few complaints from timber merchants, that this procedure has resulted in undue delay in the issue of Form II permits. After a through enquiry and considering all the remedies a circular was issued to all the Tahsildars and Deputy Tahsildars to avoid all delays in the enquiry of these permit applications

Again, the Conservator of Forests Ootacamund had proposed recently that special Deputy Tahsildars and Deputy Tahsildars be authorised to issue Form II permits. This proposal was also considered by me and it was finally decided that the existing procedure may continue for some more time, as it was too early to assess the result of this procedure, which was introduced only in November 1953. To authorise the Tahsildars and Deputy Tahsildars to issue Form II permits as observed by the Government will result in too much burden on them. Instructions to the subordinate revenue officers have already been issued to avoid all delays in enquiry into

16

permit applications. I am watching the results of this and will propose suitable revision of the Rules if necessary later.

F

Yours faithfully,

9-7-55
For Collector.

Copy submitted to the Secretary to the Board of Revenue, Land Revenue, Chepauk, Madras.

Copy to the Chief Conservator of Forests Chepauk, Madras/8-7.

17
Agric (IV)

Memo. No. 42133 C IV | 55-57 dt 14/7/57

Sub Forests - South Kanara District
Puttur Tk. - Amara and
Sullia Magnes - Grievances
of villagers - Remarks.

Ref From the Collector of S.K.
Rc. O. No 14260/57 dt 7.7.57
addressed to the Govt.
and copied to the
C.C.F also.

The attention of the
~~Collector~~ C.C.F Madras is invited to
the Collector's reference cited and

P.T.O

Pl. issue
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14.7.57.

Sec'y
Govt
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he is requested to offer his remarks called for in the above Memo. No. 42133 C IV/55-1 dt. 7.5.55.

13.7.55

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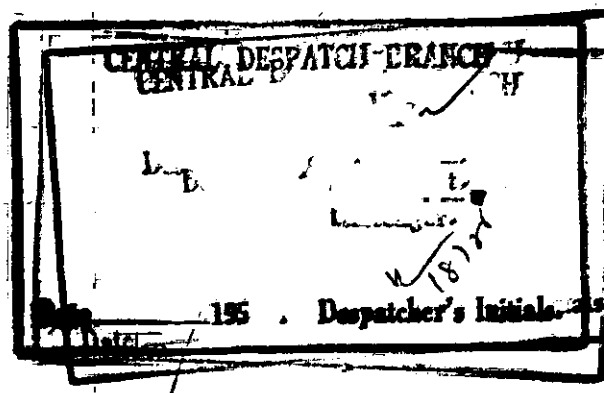
13/7/55.

13.7.55



The C.C.F. Madras

R.D. 30.7.55

C.F. 82(—70,10,553—20-1-54

Forest Department

From (Name)
Sri S.K. Bassu, I.F.S.,
Designation
Chief Conservator of Forests,
Station
Madras-5.

Received ——— Registered ——— 19

To

The Secretary to Government,
Agriculture Department,
Madras-9.

Enclosures: Ref: No. 14103/55.C.2., dated 15th September, 1955

85747

Sir,

Sub: FORESTS--South Kanara district--Puttur Taluk--Sullia magness--Grievances.

Pp17-18 and
Ref: Government Memo. No. 42133/CIV/55-1 Agriculture, dated 7/5/1955.
From the Collector of South Kanara, No.D.Dis.
Pp9-16 and 14265/55. dated 7/7/1955.

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I submit the following remarks.

Paras 1 and 2:- I have no remarks to offer as this assignment is dealt with by Revenue Department.

Para 3:- The Government have observed that the belt area may be restricted to 100 yards and the ryots may be permitted to cut timber for agricultural requirement and remove green leaf manure.

P | As has been explained by the Collector, in his report second cited, the 100 yards limit referred to by the Government already exists and the ryots are entitled to enjoy all privileges within the 100 yards belt except permanent assignment. The existing concession, I submit, is therefore generous enough.

Para 4:- The Government have suggested that no licence fee be collected for transport of agricultural produce over roads in Reserved Forest. The Collector has supported the suggestion. This concession may be allowed to all bonafide agriculturists. But the removal of such produce may be restricted to head load and cart load, as it would be difficult to control fast moving vechiles as lorries. The roads may be closed at the discretion of the District Forest officer during monsonn months to all traffic to keep the repair charges to the minimum.

M

Para 5:- In para 5 of the petition forwarded with the Government Memorandum first cited, the petitioners have requested the grant of forest lands for raising food and commercial crops. In G.O.MS.No.1689, Agriculture dated 28/6/55, the Government have ordered that suitable areas should be leased for valuable crops like Cardamom and Areca plantations etc. This Government Order has been communicated to the concerned Officers for necessary action.

N

Para 6:- Proposals for the introduction of revised Timber Transit rules in South Kanara district have already been submitted to your Government. The draft rules for South Kanara which are now under the consideration of Government contains provision for the issue of Form II Permit through District Forest Officer or through Village Officers in respect of

Q

p.t.o.

of private lands which have not been notified by the Collector - Vide Rule 3 (iii) of the Revised Timber Transit rules. There is no objection to the Tahsildars and Deputy Tahsildars issuing the permit. But in this case an amendment to the Rules is necessary.

Jagannathan

Blv.20.9. for CHIEF CONSERVATOR OF FORESTS.

Draft I

AGRI. CIV. DEPT.

Memo No. 42133 C.IV/55-12 dt. 4.1.56

Pl. issue 25/4.1.56

Sub: Forests--South Kanara District--Puttur Taluk--Amara and Sullia Maganes--Grievances.

Ref: From the residents of Amara and Sullia maganes, of Puttur Taluk, South Kanara District, petition dt. 20-4-55.
From the Collector of South Kanara District.
ref.No.14265 C.IV/55, dt.7-7-55.
From the C.C.F. ref.No.14103/55-C2, dt.15-9-55.

- - -

PP1.

PP9-16 cy

PP19-21 cy.

The representations of the residents of the Amara and Sullia maganes contained in their petition dt.20-4-55 have been considered and the following orders are communicated.

PP1-5 cy.

Assignment of Kanaa lands.

Para 3 on PP2 cy

The present policy of assignment of Govt. lands, does not ~~come in the way of~~ preclude assignment of Kana lands where effective improvements are made by Kanadars, No action is ~~therefore~~ proposed to be taken in the matter.

Recognition of Kana and bana privileges regarding cutting of firewood trees etc.

Rules on item (2) on P 2 cy

~~The~~ Ryots are allowed to cut classified and unclassified trees under rule 7A. of the General Rules framed under Section 26 of the M.F. Act for bonafide domestic and agricultural purposes only and not otherwise. Only when trees are cut in contravention of the rules, action under the Madras Forest Act is resorted to by the Revenue officials. ~~and it is therefore justifiable~~. No action is therefore proposed to be taken in the matter.

Assignment of bane lands.

It is considered that the

'X' on P 29 my

assignment of Kumaki lands including banes which ordinarily contain thick forest growth, will not be in the interest of cultivation or conservation of tree growth in the long run. No action is therefore proposed to be taken in the matter.

'C' on P 29 my.

Shifting of existing Reserve Forest boundaries by one furlong in order to enjoy Kana and bane privileges.

'D' on P 30 my.

A buffer area of 100 yds. already exists around the Reserved Forest areas and the ryots are allowed all concessions except permanent assignment ~~or~~ even within this area. ~~and as the ryots~~ In as much as are already being enjoyed, ~~enjoy the~~ privileges, no action is proposed to be taken in the matter.

'E' on P 31 my.

Free use of footpaths and cart tracks running through R.F.

It is proposed to permit free movement of head loads and cart loads of agricultural produce in ~~the~~ the case of bonafide agriculturist certified as such by the Revenue Inspectors concerned. Necessary orders in the matter to the officials concerned will issue separately.

R

'F' on P 33 my

Leasing out lands for cultivation of food crops.

Orders have already been issued to the effect that suitable areas should be leased for cultivation of valuable crops like cardamom and areca etc. No further action is therefore proposed to be taken in the matter.

C' on P 35 my

Revision of Timber Transit Rules.

It is considered that it is not desirable to entrust this work of ~~with~~ issuing permits under the Timber Transit

4= 26

Rules, either to the Forest or Revenue (exclusively)

Officers ~~solely, to facilitate speedy disposal~~ and that the existing practice ~~of consultation between the two departments~~ should ~~continue~~. Continue.

15.12.55

17.12.55

19-12-55

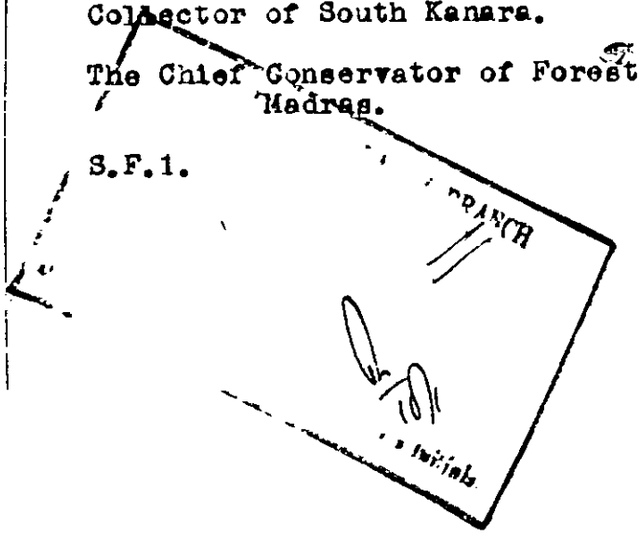
To

Sri Subramania ~~Gounda~~, Gowda,
Sullia Maganes,
Puttur Taluk,
South Kanara District.

Collector of South Kanara.

The Chief Conservator of Forests,
Madras.

S.F.1.



Draft "

AGRI.C.IV.DEPT.

Sub: Forests--South Kanara District--Puttur Taluk--Amara and Sullia Maganes--Grievances. Orders passed

Ref: From the residents of Amara and Sullia maganes of Puttur Taluk, South Kanara District, petition dt.20-4-55.
From the Collector of South Kanara District ref.No.14265 C.IV/55, dt.7-7-55.
From the C.C.F. ref.No.14103/55-C2, dt.15-9-55.

G.O.Ms.No. 19 Dt 4/1/56.

In their petition dt. 20-4-55, the residents of Amara and Sullia Maganes, have requested among other things that they should be permitted to use the footpaths and cart tracks running through the Reserved forest without any licence fee. The Govt. have examined the question in consultation with the Collector of South Kanara District and the chief Conservator of Forests, Madras and direct that head loads and cart loads of agricultural produce in the case of bonafide ryots certifed as such by the Revenue Inspectors concerned, be permitted without collecting any licence fee.

2. The Govt. also accept the suggestion of the C.C.F. that the roads running through the Reserved Forests be closed at the discretion of the D.F.O. during monsoon months to all traffic, to keep the repairs charges to the minimum. He is requested to issue instructions accordingly.

16.12.55

19/12/55

To

THE C.C.F. Madras.
The Collector of S.K. District.

Copy to the Board of Revenue (L.R.)

~~Copy to C.IV S.~~

Copy to stock file.

AGRI.C.IV.DEC.

Sub: Forests--S.K.District--Puttur Taluk--Amara and Sullia maganes--Grievances of residents.

Ref: From the residents of Amara and Sullia maganes of Puttur Taluk S.K. Dt. petition dt.20-4-55.

Govt. Memo.No.42133 C.IV/55-1, dt.7-5-55.

From the Collector of S.K.Dt. Ref.D.Dis. 14265/55, dt.7-7-55.

Govt. Memo.No.42133 C.IV/55-5, dt.14-7-55.

From the C.C.F. ref.No.14103/55 C2, dt.15-9-55.

In their petition dt.20-4-55 the residents of Amara and Sullia maganes of Puttur Taluk have stated that the Amara and Sullia maganes comprising 21 revenue villages, originally formed part of the Coorg Government and the concession granted to the ryots by the Coorg Govt. were continued to be enjoyed even after affiliation of the maganes with South Kanara District; but of late, drastic changes in the matter of assignment seem to have been made without taking into consideration the special features and the economic conditions in these areas. They have made the following representations for consideration:-

(1) The two maganes enjoy Kana and bane privileges. Only a small portion of the land in the area is fit for wet cultivation and hence the kana lands were allotted to the wargdars to supplement their income by raising pepper vines etc. The Govt. of Madras issued Kana Pattas in 1905 and charged a flat rate of 4 as per acre. According to the conditions mentioned in the Kana patta, it is specifically stated that kana lands brought under effective cultivation will be permanently assigned at adangal rate of assessment. But the officers consider these lands on a par with kunki lands and rejected the assignment of these lands. The special treatment meted out to these two maganes may be

allowed to continue.

(2) According to one of the conditions of the patta, the ryots of the two maganes have the privilege to cut firewood trees and all the classified trees except mango and tamarind. But such a privilege is now considered as a forest offence and the ryots are booked. Thus the improvement of Kana lands is handicapped. Suitable directive may be issued to respect this condition incorporated in the Kana Patta.

(3) Bane lands are allotted to warg lands as an aid to cultivation, at the rate of 2 acres per acre of warg land and this is in consonance with the requirements fixed under the revised assignment policy of the Government. But, the officers treat the dry lands comprised in the registered holding as a set off against these bane lands. Instructions may be issued to assign the bane lands outright in the interest of agriculture.

(4) These two magnes are rich in forest wealth, and at the time of afforestation during British regime, the forest boundary was aligned along the warg boundary in many cases, and along the kana and bane lands in some cases. This sort of overlapping has deprived the ryots from getting kana and bana lands on dharkhast. The forest boundry should therefore be shifted to a distance of one furlong from warg, kana and bane lands.

(5) Major portion of the villages of two maganes are covered by R.F., and foot patta and cart tracks, connecting the several localities in the villages, pass through Reserved Forests. In many cases the Forest Department charges the ryots for making use of these cart tracks, approach roads etc., by levying suitable taxes through such roads are maintained by the ryots. These unjust taxes may be removed.

(6) The Govt. allowed ryots to cultivate

Para 5 on P4 ↓

large tracts of ~~cultivate~~ cultivable waste lands in the reserved forests during the G.M.F. ~~&~~ campaign. They also proposed to lease out the lands, but applications for ~~lease~~ requesting of lands were finally rejected. This has caused great loss and hardship to the applicants who actually deposited security amount and spent during survey operations by employing coolies etc. The vast tracts of cultivable waste land should be leased out to the ryots for raising food crops.

do -

(7) The revision of Timber Transit Rules has greatly handicapped the ryots from making use of the trees standing in their warg lands . The ryots have to obtain permits from the D.F.O. ~~from~~ for the transport of ~~the~~ timber and the enquiry into the applications are unduly delayed. The rules may therefore be revised in such a way as not to inconvenience the ryots.

Para 6 from P4 ↓

2. The representation are examined below in the light of the remarks of the Collector of S.Kanara and the C.C.F., Madras:-

✓ pp 9-16 ↓.
✓ pp 19-21 ↓.

Item (i) of para 1 above: The Collector has stated that 21 villagers of Amara and Sullia maganes of Puttur Taluk, which formerly belonged to Coorg enjoy certain privilages known as 'banes' which correspond to Kumaki priveleges in other parts of the S.Kanara District and enjoy 'Kans' according to which the ryots are at liberty to cultivate without restriction and collect from certain forest lands, forest produce of a specified kind, in consideration of payment of a small fixed amount of Re.0-4-0 per acre ordinarily known as 'pepper shist' or 'cardamum shist'. Besides enjoyment of the forest produce, similar privileges as are admissible to Kumaki lands under Rule 7-A of the General Rules framed under Section 26 of the Madras Forest Act are also applicable to 'Kan' lands. The Kan Patta granted to the ryots lays down that any portion of the land which is brought under cultivation otherwise than as permitted by the patta is liable

P 9 ↓.

— do —

Para 7 on P4 ↓

P 9 ↓.

to be assessed at ordinary settlement rates and that para 40. of B.S.O.15 governs the assignment of these lands.

'X' on P.10 C.

P.10 C.

Y' on P 10 C.

The Collector has stated that the Tahsildar, Puttur has reported that in no case has assignment of Kana lands, where effective improvement exists, been refused, that the present policy of assignment of Govt. lands also does not come in the way of assignment of such lands, where effective improvements have been made by Kanadars and that the hardship referred to by the petitioners is only imaginary. The C.C.F. has no remarks to offer as the assignment is dealt with by Revenue Department. No action is therefore called for on this representation

- do -

S/ P 19 C. Revenue See for remarks

—Item (2) of para 1 above:- The Collector has stated that this contention of the petitioners is not correct, under Rule 7-A of the General Rules framed under Section 26 of the M.F. Act, there ryots are permitted to cut classified and unclassified trees for their bonafide domestic and agricultural purposes only and not otherwise. When trees are cut in contravention of the Rules, then only action under the M.F. Act is resorted to by the Revenue authorities and it is justifiable. The Chief Conservator has not offered any remarks. No action is therefore called for in the matter.

'Z' on P.10 C.

- do -

'T' on P.10 C.

The Collector has pointed out in this connection that the petitioners further contend that the restriction placed on them in cutting the trees from Kan lands greatly handicap them from improving these lands as these lands cannot be cultivated or improved without cutting the trees. He has stated that it is not possible to judge the bonafides of the ryot who cuts the trees as to what he would do at a future date. He is therefore of opinion that even if such difficulty exists, it cannot be remedied in the interest of conservation of tree growth in the interior villages.

'T' on P.11 C.

- do -

'A' on P 11 cy

Item (3) in para 1 above:- The Collector has stated that Bane lands, which exist only in Amara and Sullia Maganes, carry the same priveleges to the ~~wg~~ wargs to which they are attached, as kumakis in the rest of the district, the only difference being that while kumakis are limited to within 100 ~~yeers~~ yards of a warg, the banis need not necessarily be so. Banes were allotted at the rate of 2 acres per acre of warg land in 1902 in these villages, when banes are brought under fugitive cultivation, fugitive assessment is levied and when brought under permanent cultivation they are transferred to occupied dry at taram rates or to occupied wet or gardenk, where such cultivation is found to date back from the time of last settlement. The assignment of these lands also is governed by B.S.O. ~~15-40~~ 15-40. These lands were allotted to the warg lands as an aid to the cultivation of the warg lands such as conservation of tree growth, thatching grass etc for agricultural and domestic purposes. The grievance of the ~~petitioners~~ petitioners is that the Revenue authorities treat the dry lands comprised in a registered holding as a set off against these bane lands, when considering the question of assignment of these bane lands. ~~These~~ They contend that these dry lands, most of which were obtained in sale etc. included in the holding lie ~~for~~ far away from the warg lands and cannot be used as an aid to cultivation ~~as~~ and hence they cannot be treated on a par with bane lands.

-do-

-do-

-do-

'B' on P 11 d-12 cy

He has moreover stated that the then Collector of South Kanara (Sri S.R. ~~Kaiwar~~ Kaiwar I.C.S., had issued instructions that the assignment of these lands should ordinarily be restricted to two acres of dry land for every acre of wet or garden land. However, it was ordered that ~~derivation~~ deviation may be made from this principle, where the land contains effective improvements or when it contains ~~effect~~

'B' on P 12 cy

'B' on P.12 of.

'D' on P.12 of.

- do -

'E' on P.12 of.

- do -

'A' on P.12 of

tree growth conserved by applicants from a long time. No refixation of the extent of bane lands as alleged by the petitioners was involved in the instructions issued by the Collector. He has further stated that it is reported by the Tahsildar Puttur, that in no case has assignment of bane land been refused, where improvements exist. The Principle laid down by the Collector of assigning land upto 2 acres of dry to one acre of wet or garden to a ryot, cannot cause any real hardship to the banedar, as he can claim assignment of bane lands only when he has brought it under permanent cultivation, and the assignment of such lands brought under effective cultivation is not prohibited under the above said principle. Besides, even without the lands being assigned to the banedar he is entitled to enjoy the bane priveleges, on the extent allotted to him and the land will not be assigned to any other. He is therefore of opinion that the grievances of the petitioners is not real.

Regarding the request for outright assignment of bane lands to the banedars the Collector has stated that unlimited assignment of Kumaki lands including banes, which ordinarily contain thick forest growth will not be in the best interest of cultivation or conservation of tree growth in the long run. At present, the bane lands are attached to the warg lands and once these lands are assigned, the assignee is at liberty to dispose of these lands as he likes and the warg lands may be without the benefits of these lands. The request of the petioners cannot therefore be acceeded to. The C.C.F. has no remarks to offer in the matter. No action is called for on this representation.

12.x.

Item (4) in para 1 above. M(A) observed that the belt area may be restricted to 100 yds. and the ryots may be permitted to cut wood for

agricultural requirements and cutting green leaves for manure, but not to clear fell all the trees.

'A' as P.13 ¶

The Collector has stated that the boundaries of the reserved forests were marked 50 years ago leaving the kumaki kan and bane lands. But, in 1939, the Govt. ordered that a ~~bx~~ buffer area of 100 yards should be left unassigned around all reserved forests, with the result that the whole or part of Kumaki Kan or bane lands left for ryots when the boundaries of the reserved forests were fixed, happened to fall in the buffer area of the reserved forest. But, this does not prevent the wargdars from enjoying the legitimate kan and bane privileges on these lands. This provision of leaving unassigned a belt of 100 ~~yards~~ yards all round Reserved Forests ordered under B.S.O. (15-35(iii)) has been made for the protection of the R.F. and the kan and banedars have to forego this much of land in public interest, as they have to do in the case of roads, streams etc. running through such lands. However, where there are vast improvements on such lands and real hardship is likely to be caused to the ryots, the question of assignment is not ruled out and is always considered. The alteration of the boundaries of the R.F. may not be feasible now, and therefore, this grievances of the petitioners also cannot be remedied without sacrificing the interests of the Reserved forests.

* ಸಾರ ಕಾಡು ಇಲ್ಲ.

'A' as P.13 ¶

- do. -

The Collector has further stated that the District Forest Officer, South Kanara reports that cutting of timber trees for agricultural purposes within 100 yards of the reserve forest boundary may be permitted in individual cases. This is permitted even now under the rules, if the lands fall within kumaki kan or bane limits. Regarding Governments observation in the matter, the belt area is even now only 100 yards and ryots are entitled to enjoy all privileges attached to kan and bane lands except their permanent assignment.

- do -

- do -

As explained by the Collector, the C.C.F. has stated that 100 yards limit referred to by the Government already exists and the ryots are entitled to enjoy all privileges within (the 100 yds belt except permanent) assignment and that the concession is therefore generous enough. In the circumstances no further action is called for in the matter

Item (5) in para 1 above: M(A) observed that it was stated by the D.F.O., that for public institutions like Panchayat Board or Gram Sevak Sangham, no licence fee is levied for using the ~~max~~ cart tracks in the R.F. for transporting agricultural produce; and therefore the licence fees need not be levied for transporting agricultural produce in the case of ~~bonafide~~ bonafide ryots certified as such by Tahsildars and Dy. Tahsildars.

The Collector has stated that ~~the~~ the D.F.O. South Kanara has no objection in allowing this concession, that he too has no objection and has recommended that this concession may be granted to all bonafide agriculturists certified as ~~such~~ such by the Revenue Inspectors concerned, as the grant of such certificates by the Tahsildars and Dy. Tahsildars may cause avoidable delay. The C.C.F. has suggested that this concession may be restricted to head load and cart load, as it would be difficult to control fast moving vehicles as lorries. He has also suggested that the roads may be closed at the discretion of the D.F.O. during monsoon months to all traffic to keep the repair charges to the minimum. ××

There is some force in the suggestion of the C.C.F. that free movement of agricultural produces etc. by fast moving vehicles over roads in R.F. (may lead to abuses) as such a ~~proc~~ procedure may lead to smuggling of forest produce etc. This suggestion may be accepted. The other suggestion of the C.C.F. may also be accepted.

For orders.

Item (6) in para 1 above:- The Collector has stated that the D.F.O. has reported that some

F 'A' P 19 Cf.

A buffer area of at least 100 yards is necessary for protection of the R.F. & the ryots are allowed all concessions except permanent assignment within this area. Since the ryots are enjoying the privileges no action is called for. DFO Ulco

M

'D' on P 14 Cf.

'M' on P 19 Cf.

F This may be accepted DFO 12.5.

'E' on P 14 Cf.

leases for raising areca plantations in the R.F. were granted as per G.O.Ms.1235 Devt. dt.25-6-43, that as there were serious abuses of this kind of leases, it was ordered by the C.C.F. that no application for areca lease should be entertained or recommended, that accordingly all pending applications were rejected, and that there are vast areas in the district outside the R.F. in unreserved lands and patta lands which still remain uncultivated. As however it is reported that the question of reviving areca lease inside the R.F. is under consideration by the C.C.F. the Collector has suggested that the C.C.F. may be asked to consider favourable genuine applications for leases. The C.C.F. has stated that in G.O.Ms.No.1689 Agri. dt.28-6-55 the Govt. have ordered that suitable areas should be leased for valuable crops like cardamom and areca plantations etc. and that the order has been communicated to the concerned officers for necessary action. No further action is called for on this representation.

Item (7) in para 1 above: M(A) observed that in order to avoid delay in the issue of permits, the Tahsildars and Dy. Tahsildars may be authorised to issue permits under the Timber Transit Rules. The Collector has stated that according to present procedure brought into force in November 1953, ~~that the District of South Kanara for the issue of T.T. Rules,~~ applications for permits under the Timber Transit Rules should be addressed to the D.F.O. South Kanara and sent through the Tahsildar concerned. After scrutiny of such applications with the report of the concerned revenue authorities, the D.F.O. will authorise the concerned Range Officers to issue necessary Form II permits. But on receipt of a few complaints from timber merchants regarding the undue delay in the issue of Form II permits, a circular was issued to all Tahsildars and Deputy Tahsildars to avoid all delays in regard to the enquiry of these permit applications. The Collector of South Kanara is of

opinion that to authorise the Deputy Tahsildars and Tahsildars to issue From II permits as observed by the Government will result ~~and~~ in too much burden on them. He has promised to propose suitable revision of the Rules, if necessary after watching the effect of this circular in the matter.

The C.C.F. has stated that proposals for the introduction of revised Timber Transit rules in South Kanara District have already been submitted to Government and draft rules contains provisions for the issue of ~~From~~ II permits through D.F.O. or through village officers in respect of private lands, which have not been notified by the Collector vide ~~Rule (3) (iii) of the Revised Timber Transit Rules.~~ He has stated that there is no objection to authorise the Tahsildars and Dy. Tahsildars issuing the permits provided the Rules are so amended. As the Collector has stated that such authorisation will result in too much burdens on them, it is for consideration whether the Tahsildars and Dy. Tahsildars in South Kanara be authorised under the Timber Transit Rules for South Kanara to issue From II permits and necessary provisions made therefor in the special T.T. Rules for S. Kanara which under separate consideration.

Revenue and Finance may see before circulation.

12.X.—

Dns 12/10 55

Rev Dept

The file has been sent to this dept. with reference to 'S' and 'A' above. This dept may agree with 'S' and 'A' that no action is called for on the representation. This Dept. may also agree with the proposal at A above.

30/X/55

31 X 55

After orders are passed, the file may be passed on to Fin.

31.10.55

31.10.55

S in P. Minute may be agreed to with regard to the question of authorising the Tahsildars and D.Ts to issue Timber transit permits, the Collector has stated that this is in accordance with instructions to see that Transit permits are given without undue delay. It is wrong in principle to entrust this work either to the forest officers or to the revenue officers solely as the existing practice of consultation between the departments may continue

Fin

Fin (Accts)

Revenue 92667 P/55-1
1.11.55

The file relates to certain representations made by the residents of Annur and Sulur magnanes of Pollachi Tqr., S.K. Dt. The file has been remitted to this Dept. with reference to para 4 of the representation, examined on P. 15 above as item (5). The proposal at F on P. 15 above may be agreed to.

P.15 above.

DEPUTY SECRETARY TO GOVERNMENT
2 NOV 1955
FINANCE DEPARTMENT

11/11/55

Agri.

Fin U.O. 85724 Accts/55-1
10.11.55

UNDER SECRETARY TO GOVERNMENT
15 NOV 19
AGRICULTURE DEPARTMENT

AGRI.C.IV.DEPT.

SUMMARY.

The file deals with certain representations of the residents of Amara and Sullia Maganes of South Kanara District regarding certain privileges enjoyed by them in the forest lands adjoining the villages.

2. In their petition dt.20-4-65, the residents of Amara and Sullia maganes of Puttur Taluk have stated that the Amara and Sullia maganes comprising 21 revenue villages, originally formed part of the Coorg Government and that the concessions granted to the ryots by the Coorg Govt. were continued to be enjoyed even after affiliation of the maganes with South Kanara District; but that of late, drastic changes in the matter of assignment seem to have been made, without taking into consideration the special features and the economic conditions in these areas. They have made the following representations for consideration:-

(1) The two maganes enjoy Kana and bane privileges. Only a small portion of the land in the area, is fit for wet cultivation and hence the Kana lands were allotted to the wargdars to supplement their income by raising pepper vines etc. The Govt. of Madras issued Kana Pattas in 1905, and charged a flat rate of 4 as per acre. According to the conditions mentioned in the Kana patta, it is specifically stated that kana lands brought under effective cultivation will be permanently assigned at adangal rates of assessment. But the officers consider these lands on a par with kumaki lands and rejected the assignment of these lands. The special treatment meted out to these two maganes may be allowed to continue.

(2) According to one of the conditions of the patta, the ryots of the two maganes have the privilege to cut firewood trees and all the classified trees, except mango and tamarind. But, such a privilege is now considered as a forest offence and the ryots are booked. Thus the improvement of Kana lands is handi-

capped. Suitable directive may be issued to respect this condition incorporated in the Kana Patta.

Para 2 on PP2 & 3 4.

(3) Bane lands are alloted to warg lands as an aid to cultivation, at the rate of 2 acres per acre of warg land and this is in consonance with the requirements fixed under the revised assignment policy of the Government. But, the officers treat the dry lands comprised in the registered holding a s a set off against these bane lands. Instructions may be issued to assign the bane lands outright in the interest of agriculture.

Para 2 on P 3 4.

Para 3 on P 3 4.

(4) These two magnes are rich in forest wealth and at the time of afforestation during British regime, the forest boundary was aligned along the warg boundary in many cases, and along the kana and bane lands in some cases. This sort of overlapping has deprived the ryots from getting kana and bana lands on dharkhast. The forest boundry should therefore be shifted to a s distance of one furlong from warg, kana and bane lands.

Para 4 on PP 3 & 4 4

(5) Major portion of the villages of two maganes are covered by R.F., and foot paths and cart tracks, connecting the several localities in the village pass through Reserved Forests. In many cases the Forest Department charge the ryots for making use of these cart tracks, approach roads etc., by levying suitable taxes though such roads are maintained by the ryots. These unjust taxes may be removed.

Para 5 on P. 4 4.

(6) The Govt. allowed ryots to cultivate large tracts of cultivable waste lands in the reserved forests during the G.M.F. campaign. They also proposed to lease out the lands, but applications requesting lease of lands were finally rejected. This has caused great loss and hardship to the applicants who actually deposited security amount and spent during survey operations by employing coolies etc. The vast tracts of cultivable waste land should be leased out to the ryots mfor raising food crops.

- d. -

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(7) The revision of Timber Transit Rules

has greatly handicapped the ryots from making use of the trees standing in their warg lands. The ryots have to obtain permits from the D.F.O. for the transport of timber and the enquiry into the applications are unduly delayed. The rules may therefore be revised in such a way as not to inconvenience the ryots.

3. The representation are examined below in the light of the remarks of the Collector of South Kanara and the C.C.F., Madras:-

Item (i) of para 1 above: The Collector has stated that 21 villagers of Amara and Sullia maganes of Puttur Taluk, which formerly belonged to Coorg enjoy certain privilages known as 'banes' which correspond to Kumaki privileges in other parts of the S.Kanara District and enjoy 'Kana' according to which the ryots are at liberty to cultivate without restriction and collect from certain forest lands, forest produce of a specified kind, in consideration of payment of a small fixed amount of Re.0-4-0 per acre ordinarily known as 'pepper shist' or 'cardamum shist'. Besides enjoyment of the forest produce, similar privileges as are admissible to Kumaki lands under Rule 7-A of the General Rules framed under Section 26 of the Madras Forest Act are also applicable to 'Kan' lands. The Kan Patta granted to the ryots lays down that any portion of the land which is brought under cultivation otherwise than as permitted by the patta is liable to be assessed at ordinary settlement rates and that para 40. of B.S.O.15 governs the assignment of these lands.

The Collector has stated that the Tahsildar, Puttur, has reported, that in no case has assignment of kana lands, where effective improvement exists, been refused, that the present policy of assignment of Govt. lands also does not come in the way of assignment of such lands, where effective improvements have been made by the Kanadars and that the hardship referred to by the petitioners is only imaginary.

No action is therefore proposed to be taken in the matter. Revenue Dept. has accepted the proposal of this Department.

Item (2) of para 1 above:- The Collector has stated that this contention of the petitioners is not correct, Under Rule 7-A of the General Rules framed under Section 26 of the M.F. Act, these ryots are permitted to cut classified and unclassified trees for their bonafide domestic and agricultural purposes only and not otherwise. When trees are cut in contravention of the Rules, ~~then only~~ action under the M.F. Act is resorted to by the Revenue authorities, and it is therefore justifiable. The Chief Conservator has not offered any remarks. No action is therefore proposed to be taken in the matter.

The Collector has pointed out in this connection, that the petitioners further contend that the restriction placed on them in cutting the trees from Kan lands greatly handicap them from improving these lands as these lands cannot be cultivated or improved without cutting the trees. He has stated that it is not possible to judge the bonafides of the ryot who cuts the trees as to what he would do at a future date. He is therefore of opinion that even if such difficulty exists, it cannot be remedied in the interest of conservation of tree growth in the interior villages.

Item (3) in para 1 above:- The Collector has stated that Bane lands, which exist only in Amara and Sullia Maganes, carry the same priveleges to the wargs to which they are attached, as kumakis in the rest of the district, the only difference being that while kumakis are limited to within 100 yards of a warg, the banes need not necessarily be so. Banes were alloted at the rate of 2 acres per acre of warg land in 1902 in these villages. When banes are brought under fugitive cultivation, fugitive assessment is

levied and when brought under permanent cultivation they are transferred to occupied dry, at taram rates or to occupied wet or garden, where such cultivation is found to date back from the time of last settlement. The assignment of these lands also is governed by B.S.O. 15-40. These lands were alloted to the warg lands as an aid to the cultivation of the warg lands such as conservation of tree growth, thatching grass etc. for agricultural and domestic purposes. The grievance of the petitioners is that the Revenue authorities treat the dry lands comprised in a registered holding as a set off against these bane lands, when considering the question of assignment of these bane lands. They contend that these dry lands, most of which were obtained in sale etc. included in the holding lie far away from the warg lands and cannot be used as an aid to cultivation and hence they cannot be treated on a par with bane lands.

He has moreover stated that the then Collector of South Kanara (Sri S.R. Kaiwar I.C.S.) had issued instructions that the assignment of these lands should ordinarily be restricted to two acres of dry land for every acre of wet or garden land. However, it was ordered that deviation may be made from this principle, where, the land contains effective improvements or when it contains tree growth conserved by applicants from a long time. No refixation of the extent of bane lands as alleged by the petitioners was involved in the instructions issued by the Collector. He has further stated that it is reported by the Tahsildar Puttur, that in no case has assignment of bane land been refused, where improvements exist. The principle laid down by the Collector for assigning land upto 2 acres of dry to one acre of wet or garden to a ryot, cannot cause any real hardship to the banedar, as he can claim assignment of bane lands only when he has brought it under permanent cultivation, and the assignment of such lands brought under effective cultivation is not prohibited under the above said

principle. Besides, even without the lands being assigned to the bandar, he is entitled to enjoy the bane priveleges, on the extent allotted to him, and the land will not be asigned to any other. He is therefore of opinion that the grievances of the petitioners ~~is~~ are not real.

Regarding the request for outright assignment of bane lands to the banedars, the Collector has stated that unlimited assignment of Kumaki lands including banes, which ordinarily contain thick forest growth will not be in the best interest of cultivation ~~of~~ ~ conservation of tree growth in the long run. At present, the bane lands are attached to the warg lands and once these lands are assigned, the assignee is at liberty to dispose of these lands as he likes and the warg lands may be without the benefits of these lands. The request of the petitioners cannot therefore be acceded to. The C.C.F. has no remarks to ~~ffoffer~~ in the matter. No action is proposed to be taken in the matter.

Item (4) in para 1 above. DM(A) observed that the belt area may be restricted to 100 yds. and the ryots may be permitted to cut wood for agricultural requirements and cutting green leaves for manure, but not to clear-fell all the trees.

The Collector has stated that the boundaries of the reserved forests were marked 50 years ago leaving the kumaki, kan, and bane lands. But, in 1939, the Govt. ordered that a buffer area of 100 yards should be left unassigned around all reserved forests, with the result that the whole or part of Kumaki Kan or bane lands left for ryots when the boundaries of the reserved forests were fixed, ~~ahppened~~ happened to fall in the buffer area of the reserved forest. But, this does not prevent the wargdars from enjoying the legitimate kan and bane privileges on these lands. This provision of leaving unassigned a ~~kkk~~ belt of 100 years all

round Reserved Forests ordered under B.S.O. 15-35 (iii) has been made for the protection of the R.F. and the kan and banedars have to forego this much of land in public interest, as they have to do in the case of roads, streams etc. running through such lands. However, where there are vast improvements on such lands and real hardship is likely to be caused to the ryots, the question of assignment is not ruled out and is always considered. The alteration of the boundaries of the R.F. may not be feasible now, and therefore, this grievances of the petitioners also cannot be remedied without sacrificing the interests of the Reserved Forests.

The Collector has further stated that the District Forest Officer, South Kanara reports that cutting of timber trees for agricultural purposes within 100 yards of the reserve forest boundary may be permitted in individual cases. This is permitted even now under the rules, if the lands fall within kumaki kan or bane limits. Regarding Governments observation in the matter, the belt area is even now only 100 yards and ryots are entitled to enjoy all privileges attached to kan and bane lands except their permanent assignment.

As explained by the Collector, the C.C.F. has stated that 100 yards limit referred to by the Government already exists and the ryots are entitled to enjoy all privileges within the 100 yds. belt except permanent assignment and that the meconcession is therefore generous enough. It is considered that a buffer area of at least 100 yards is necessary for protection of the Reserved Forest, and as the ryots are allowed all concessions except permanent assignment even within this area, and as the ryots are enjoying the privileges, no action is proposed to be taken on this representation.

Item (5) in para 1 above: M(A) observed that it was stated by the D.F.O., that for public institutions like Panchayat Board or Gram Sevak Sangham,

no licence fee is levied for using the cart tracks in the R.F. for transporting agricultural produce; and therefore the licence fees need not be levied for transporting agricultural produce in the case of bonafide ryots certified as such by Tahsildars and Dy. Tahsildars.

The Collector has stated that as the D.F.O. South Kanara has no objection in allowing this concession, ~~that~~ he too has no objection and has recommended that this concession may be granted to all bonafide agriculturists certified as such by the Revenue Inspectors concerned, as the grant of such certificates by the Tahsildars and Dy. Tahsildars may cause avoidable delay. The C.C.F. has suggested that this concession may be restricted to head load and cart load, as it would be difficult to control fast moving vehicles, as lorries etc. He has also suggested that the roads may be closed at the discretion of the D.F.O. during monsoon months, to all traffic to keep the repair charges to the minimum.

Free movement of agricultural produce etc. by fast moving vehicles over roads in Reserved Forest may lead to abuses just as smuggling of forest produce etc. It is therefore proposed to accept the suggestion of the C.C.F. to restrict the concession to headloads and cart loads and also to close the Reserved Forest roads at the discretion of the D.F.O. during monsoon months. Finance Department has accepted the proposal.

Item (6) in para 1 above:- The Collector has stated that the D.F.O. has reported that some leases for raising areca plantations in the R.F. were granted as per G.O.Ms.1235 Devt. dt.25-6-43, that as there were serious abuses of this kind of leases, it was ordered by the C.C.F. that no application for areca lease should be entertained or recommended, that accordingly all pending applications were rejected, and that there are vast areas in the district outside

the R.F.in unreserved lands and patta lands which still remain uncultivated. As however it is reported that the question of reviving acrea lease inside the R.F. is under consideration by the C.C.F., the Collector has suggested that the C.C.F. may be asked to consider favourable genuine applications for leases. The C.C.F has stated that in G.O.Ms.No.1689 Agri. dt.28-6-55 the Govt. have ordered that suitable areas should be leased for valuable crops like cardamom and areca plantations etc. and that the order has been communicated to the concerned officers for necessary action. In view of the orders already issued by the Govt. no further action is proposed to be taken in the matter.

Item (7) in para 1 above: M(A) observed that in order to avoid delay in the issue of permits, the Tahsildars and Dy. Tahsildars may be authorised to issue permits under the Timber Transit Rules. The Collector has stated that according to present procedure brought into force in November 1953, applications for permits under the Timber Transit Rules should be addressed to the D.F.O. South Kanara and sent through the Tahsildar concerned. After scrutiny of such applications with the report of the concerned revenue authorities, the D.F.O. will authorise the concerned Range Officers to issue necessary Form II permits. But on receipt of a few complaints from timber merchants regarding the undue delay in the issue of Form II permits, a circular was issued to all Tahsildars, and Deputy Tahsildars to avoid all delays in regard to the enquiry of these permit applications. The Collector of South Kanara is of opinion that to authorise the Deputy Tahsildars and Tahsildars to issue Form II permits as observed by the Govt. will result in too much burden on them. He has promised to propose suitable revision of the Rules, if necessary after watching the effect of this circular in the matter.

The C.C.F. has stated that proposals for the introduction of revised Timber Transit Rules in South Kanara District have already been submitted to Govt. and Rule (3) (iii) of the draft rules contains provisions for the issue of Form II permits through D.F.O, or through village officers in respect of private lands, which have not been notified by the Collector. He has stated that there is no objection to authorise the Tahsildars and Dy. Tahsildars for issuing the permits provided the Rules are so amended. As the Collector has stated that such authorisation will result in too much burden on them, it is for consideration whether the Tahsildars and Dy. Tahsildars in South Kanara be authorised under the Timber Transit Rules for South Kanara to issue Form II permits and necessary provisions made therefor in the special T.T. Rules for S.Kanara, which is under separate consideration. Revenue Department has stated that it is wrong in principle to entrust this work either to the Forest Officer or to the Revenue Officers, solely and that the existing practice of consultation between the departments may continue. It is for orders whether suggestion of the Revenue Department may be accepted.

4. As a specific address to which a reply may be sent, has not been furnished by the petitioners, ~~No reply need be sent~~ there appears to be no need to send any reply in the matter. For orders.

Orders on item (5) of the representation will be communicated to all concerned for necessary action.

Proposals 'A' to 'H' on pp 27 & 35 ante may be approved.

23-11-55.

Proposals A & H as recommended may be approved.

30.11.55

M(A)

UNDER SECRETARY TO GOVERNMENT
1 DEC 1955
AGRICULTURE DEPARTMENT

SECRETARY
1-DEC 1955
AGRICULTURE DEPARTMENT

Agri CC IV)

CX ON

With reference to the orders in circulation at the bottom of P. 35 ante, a draft memo and a draft order are submitted below for approval.

Revenue may see before issue.

19.12.55 Rev 19.12.55.

Agri wo. no 42133 C IV/55-1
19/12/55.

15.12.55 SR 15/12/55

Rev dept

Colls

Result

[Last seen on pp 19-20 ante].

The summarising note of Agri on pp 21-35 ante, the draft memo and the draft order below may be perused and the file returned to Agri.

29/12/55 SR 31.12.55

2/1/56.

Agri (C IV)

Mm 'G'
31/12/55 31.12.55.

Agri

Rev no 115252-F/55-1 To US
2.1.56.

Revenue department have perused the draft memo and the draft order below. They may issue.

4.1.56.

3.1.56. SR 3.1.56

Issued as G.O.Ms.no 19 Agri dt 4.1.56

P 2.1.4